



# National Security and Investment Act 2021

## 2021 CHAPTER 25

### PART 2

#### REMEDIES

##### *CMA functions*

### **31 Interaction with CMA functions under Part 3 of Enterprise Act 2002**

- (1) This section applies at any time when a final order is in force, or a final notification has been given, in relation to a trigger event which involves, or would involve, two or more enterprises ceasing to be distinct enterprises for the purposes of Part 3 of the Enterprise Act 2002 (“the 2002 Act”).
- (2) The Secretary of State may direct the Competition and Markets Authority (“the CMA”) to do, or not to do, anything under Part 3 of the 2002 Act in relation to the trigger event if the Secretary of State reasonably considers that the direction is necessary and proportionate for the purpose of preventing, remedying or mitigating a risk to national security.
- (3) Before giving a direction under this section, the Secretary of State must consult the CMA and such other persons as the Secretary of State considers appropriate.
- (4) The Secretary of State must publish a direction given under this section in such manner as the Secretary of State considers appropriate.
- (5) The duty of the CMA to comply with a direction given under this section applies regardless of any other duty imposed on the CMA.

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**Changes to legislation:** There are currently no known outstanding effects for the  
National Security and Investment Act 2021, Section 31. (See end of Document for details)

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### Commencement Information

**II** S. 31 in force at 4.1.2022 by S.I. 2021/1465, **regs. 2, 3** (with **regs. 4, 5**)

**Changes to legislation:**

There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 31.